to 105 (the Group VI claims) which define a method for diagnosing a predisposition to low HDL and apo AI levels by measuring LIPG levels in a tissue sample.

Applicants traverse, however, the Examiner's Requirement for Restriction.

It is submitted respectfully that the Examiner's Requirement is deficient on its face because 35 U.S.C. §121 requires that the involved inventions be also independent. Clearly, the inventions which are defined in the various groups of claims are not independent in that there exists a disclosed relationship among the inventions in that they relate to the modification of LIPG activity to increase the level of HDL and apo AI in a patient or lower the level of VLDL and/or LDL in a patient or the measurement of LIPG levels as a diagnostic factor in determining a predisposition to low HDL and apo AI levels in a patient.

The Examiner has recognized apparently that the claim groups do not define independent inventions because she has not characterized them as being independent. Moreover, the Examiner has not even attempted in her Action to explain why she considers the claims to be directed to independent inventions. Consequently, the Examiner has issued a Requirement that is deficient on its face because she has not explained why the various claims groups are considered to define independent subject matter. Accordingly, the Requirement should be withdrawn.

It is submitted further that the Examiner's Requirement should be withdrawn because it is believed that a proper search of the subject matter of any one of the groups of claims cannot be done except that a search is conducted for the subject matter of all groups of claims. This is so because the subject matter of the claims is so interrelated.

In view of the foregoing amendment and remarks, an early and favorable action is requested respectfully.

Respectfully submitted,

Gene J. Yao, Esquire
Reg. No. 47,193
Attorney for Applicants

Synnestvedt & Lechner LLP
Suite 2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107-2950
(215) 923-4466

M:\GYao\22,000 to 22,999\22,944-C USA\PTO Correspondence\Reply to 12.30.03 Restriction Requirement.wpd